

87th Legislative Session – 2012

Committee: Senate Appropriations

Wednesday, February 08, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Sutton
P Peters
P Novstrup (Al)
P Heineman
P Haverly
P Juhnke
P Putnam
P Tidemann, Vice-Chair
P Brown, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Corey Brown.

SB 90: establish a fee for payments returned to the Office of the Secretary of State due to insufficient funds and to provide for the distribution of the fee.

Presented by: Senator Al Novstrup
Jason Gant, Office of the Secretary of State

MOTION: DO PASS SB 90

Moved by: Peters
Second by: Putnam
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

SB 84: allow for the reimbursement of travel expenses during the recruitment of certain professional staff.

Presented by: Senator Larry Tidemann
Proponents: Jason Dilges, Bureau of Finance and Management
Jason Gant, Office of the Secretary of State
Janice Minder, Board of Regents

MOTION: DO PASS SB 84

Moved by: Peters
Second by: Haverly
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

SB 92: exempt certain funeral services and expenses from sales and use tax.

Presented by: Senator Al Novstrup

MOTION: TO TABLE SB 92

Moved by: Peters
Second by: Sutton
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

SB 151: provide a time period before certain action on the general appropriation bill may commence.

Presented by: Senator Billie Sutton

MOTION: DEFER SB 151 TO THE 41ST LEGISLATIVE DAY

Moved by: Putnam
Second by: Juhnke
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

Voting No: Sutton

SB 192: make appropriations for the purpose of one-time increases in education and

health care funding.

Presented by: Jason Dilges, Bureau of Finance and Management
Proponents: Wade Pogany, Associated School Boards of SD
Monte Kramer, Board of Regents

MOTION: DO PASS SB 192

Moved by: Peters
Second by: Heineman
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

SB 194: make an appropriation to fund tax refunds for elderly persons and persons with a disability, to revise the income eligibility requirements for property tax and sales tax refunds, and to declare an emergency.

Presented by: Jim Terwilliger, Bureau of Finance and Management (Handouts: Document No. 1)
Proponents: Brittany Novotny, AARP

MOTION: DO PASS SB 194

Moved by: Putnam
Second by: Peters
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

SB 37: make an appropriation from the coordinated soil and water conservation fund to the State Conservation Commission and to declare an emergency.

Presented by: Ray Sowers, Department of Agriculture (Handouts: Document No. 2)
Proponents: Angela Ehlers, SD Association of Conservation Districts (Handouts: Document #3)

MOTION: AMEND SB 37

37ta

On page 1, line 5, of the printed bill, delete "soil and water" and insert "natural resources".

Moved by: Putnam
Second by: Juhnke
Action: Prevailed by voice vote.

MOTION: DO PASS SB 37 AS AMENDED

Moved by: Peters
Second by: Sutton
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Peters, Novstrup (Al), Heineman, Haverly, Juhnke, Putnam, Tidemann, Brown

MOTION: AMEND TITLE OF SB 37

37tta

On page 1, line 1, of the printed bill, delete everything after "coordinated" and insert "natural resources".

On page 1, line 2, delete "water".

Moved by: Putnam
Second by: Juhnke
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Peters
Second by: Juhnke
Action: Prevailed by voice vote.

Barb Bjorneberg
Committee Secretary

Corey Brown, Chair

Committee Agenda

REVISED

Will reconvene immediately after session in Room 423

Committee: Senate Commerce and Energy
Room: 412
Date: Wednesday, February 8, 2012
Time: 7:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

SB 166 **require evidence of financial responsibility at the time of vehicle registration, to provide for a motor vehicle insurance data base, and to provide for the administration thereof.**

Senators Vehle, Brown, Frerichs, Fryslie, Maher, Olson (Russell), and Tieszen and Representatives Munsterman, Boomgarden, Magstadt, Rozum, and Sigdestad

SB 94 **establish a pilot uninsured motorist identification database program and to make an appropriation therefor.**

Senators Peters, Brown, Haverly, Holien, Juhnke, Kraus, Lederman, Maher, Nelson (Tom), Novstrup (Al), Olson (Russell), Rampelberg, Rhoden, Schlekeway, Sutton, and Tidemann and Representatives Hawley, Abdallah, Boomgarden, Brunner, Conzet, Cronin, Deelstra, Dryden, Gibson, Gosch, Hansen (Jon), Hickey, Kirkeby, Kopp, Lucas, Magstadt, Moser, Munsterman, Olson (Betty), Perry, Rausch, Romkema, Solum, Street, Turbiville, White, and Willadsen

SB 178 **amend the criteria for construction manager engagement.**

Senators Krebs, Hunhoff (Jean), and Lederman and Representatives Brunner and Hunt

SB 184 **prohibit hiring discrimination on the basis of current employment status.**

Senators Buhl, Hundstad, Lederman, Sutton, and Tieszen and Representatives Blake, Hawley, and Jones

SB 112 **remove the limitation on the number of retail gaming licenses in Deadwood in which a person may have a financial interest.**

Senators Nelson (Tom), Juhnke, Krebs, Lederman, Maher, and Rampelberg and Representatives Turbiville, Abdallah, Gibson, Kirkeby, Romkema, Stricherz, and Willadsen

SB 144 **amend provisions regarding captive insurance companies.**

Senators Lederman, Frerichs, Maher, Nelson (Tom), and Rampelberg and Representatives Miller, Hansen (Jon), Kloucek, and Rozum

SB 185 **provide an exception from the statutory requirements for persons taking steps towards self-employment and to allow them to collect unemployment compensation.**

Senators Buhl, Adelstein, Frerichs, Hundstad, Nygaard, Sutton, and Tieszen and Representatives Killer, Blake, Fargen, Hawley, Jones, and Lucas

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

SB 155 **prohibit the employment of unauthorized aliens and to provide penalties therefor.**

Senators Tieszen, Kraus, and Rampelberg and Representatives Hoffman, Elliott, Haggard, Kopp, Liss, Magstadt, Nelson (Stace), Olson (Betty), Schaefer, Van Gerpen, and Verchio

TOM NELSON, Chair

Committee Agenda

Committee: Senate Health and Human Services
Room: 412
Date: Wednesday, February 8, 2012
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

SB 131 **expand the definition of a developmental disability.**
Senator Lederman and Representative Miller

SB 154 **revise certain statutes pertaining to persons required to report child abuse and neglect.**
Senators Schlekeway, Fryslie, Lederman, Novstrup (Al), Tieszen, and Vehle and Representatives Sly, Abdallah, Bolin, Conzet, Hansen (Jon), Hickey, Hoffman, Hunt, Moser, Wick, and Willadsen

SB 196 **allow for the redistribution of existing nursing facility beds.**
The Committee on Health and Human Services at the request of the Office of the Governor

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

SB 125 **require certain day care providers to mail notices of noncompliance.**
Senators Buhl, Bradford, Frerichs, Holien, Nygaard, Schlekeway, Sutton, Tidemann, and Tieszen and Representatives Blake, Abdallah, Deelstra, Fargen, Gibson, Hansen (Jon), Hickey, Moser, and Nelson (Stace)

JEAN M. HUNHOFF, Chair

Committee Agenda

Committee: Senate Local Government
Room: 412
Date: Wednesday, February 8, 2012
Time: 8:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

HB 1076* **retain certain members of municipal governing bodies in office following the redistricting of municipal wards.**

Representatives Dryden, Kirkeby, and Schrempp and Senators Tieszen, Bradford, Haverly, and Kraus

HB 1088* **revise certain requirements for charging and collecting certain fees for confining certain people in the county jail.**

Representatives Street, Bolin, Deelstra, and Rausch and Senators Krebs, Frerichs, and Nelson (Tom)

HB 1115 **exempt certain contracts from the competitive bidding requirements for water user districts.**

Representatives Boomgarden, Jones, Kirkeby, Magstadt, and Venner and Senators Nygaard, Bradford, Schlekeway, and Tieszen

HB 1173 **revise certain provisions regarding the administration of the county legal expense relief program.**

Representatives Venner, Bolin, Cronin, Deelstra, Fargen, Kirkeby, Munsterman, and Olson (Betty) and Senators Gray, Bradford, Hansen (Tom), Juhnke, Maher, and Novstrup (Al)

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

SB 75 **revise the determination of fees that may be charged for certain public records.**

Senators Kraus, Maher, Nelson (Tom), and Novstrup (Al) and Representatives Willadsen and Hunt

TODD SCHLEKEWAY, Chair

87th Legislative Session – 2012

Committee: Senate State Affairs

Wednesday, February 08, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Cutler
P Frerichs
P Gray
P Johnston
P Rave
P Tieszen
P Olson (Russell), Vice-Chair
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 6, 2012

Moved by: Rave
Second by: Olson (Russell)
Action: Prevailed by voice vote.

SB 174: increase the 911 emergency surcharge. to revise the collection and distribution of the surcharge revenue, to provide for point of sale collection of the prepaid wireless 911 emergency surcharge, and to provide funding for the upgrade of 911 emergency services.

Presented by: Senator Corey Brown (Handout: 1)
Proponents: Jeff Carmon, Century Link, Sioux Falls
Daren Ketcham, Sioux Falls, Self
Ted Ruffedt, Jr., Rapid City, Self
Robert Johnson, Buffalo, Self

Cheryl Riley, ATT, Cheyenne, Wyo
Nancy Riedel, Verizon, Cheyenne, Wy.
Dean Krogman, American Heart Association
Yvonne Taylor, SD Municipal League
Fred Lamphere, Belle Fourche, Self
Staci Eggert, SD Sheriff's Association
Greg Dean, SD Telecommunications Association
Andy Gerlach, Department of Revenue
Trevor Jones, Department of Public Safety
Bob O'Connell, Sioux Falls Area Chamber of Commerce

MOTION: AMEND SB 174

174fb

On page 1 of the printed bill, delete lines 6 to 9, inclusive, and insert:

" Section 1. That § 34-45-2 be amended to read as follows:

34-45-2. The governing body of a public corporation may by ordinance authorize a 911 emergency reporting system. The ordinance shall include a description of the proposed 911 service area. If the governing body of a public agency had adopted an ordinance authorizing a 911 emergency reporting system which was in effect on January 1, 2012, the ordinance remains in effect for establishing such 911 service area unless amended or repealed by the public agency. Any provision in the ordinance establishing a surcharge is no longer in effect after July 1, 2012."

On page 3, delete lines 20 to 24, inclusive, and insert "Any entity required to collect and remit the surcharge imposed pursuant to § 34-45-4 or section 3 of this Act shall register with the Department of Revenue. There is no registration fee. A registration shall be made upon a form prescribed by the secretary of the Department of Revenue and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the secretary may require.

The department shall issue an identification number to each applicant. This identification number is not assignable and is valid only for the entity to which it was issued. The identification number is valid until canceled or revoked."

On page 4, delete lines 1 to 4, inclusive.

On page 5, line 7, after "collect" insert "the surcharge".

On page 5, line 19, delete "holds a license issued" and insert "is registered".

On page 6, line 1, delete "premise" and insert "business premises".

On page 7, line 8, after "remit" insert "each month".

On page 7, line 10, after "." insert "The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public agency its share of the distribution.".

On page 7, line 13, delete "surcharges" and insert "surcharge".

On page 7, line 14, after "into" insert "the".

On page 8, line 5, after ";" insert "and".

On page 8, delete lines 6 to 9, inclusive, and insert "(2) Transfer seventy-four percent of the money deposited in the fund to the South Dakota 911".

On page 9, line 2, before "three" insert "first".

On page 10, line 22, overstrike "A public safety answering point shall comply with ARSD 50:02:04:02(2)".

On page 11, line 3, delete "by July 1, 2015." and insert "No public safety answering point may be required to comply with the provisions of ARSD 50:02:04:02(2), unless the next generation 911 initiative has been implemented. The board shall determine when the next generation 911 initiative is operational. The board shall notify each public safety answering point not complying with the provisions of this rule when this determination has been made. The public safety answering point shall comply with the provisions of the rule within ninety days.".

On page 12, delete lines 4 to 21, inclusive, and insert:

"

- (1) Makes any false or fraudulent return in attempting to defeat or evade the surcharge imposed by § 34-45-4 or section 3 of this Act is guilty of a Class 1 misdemeanor;
- (2) Fails to pay the surcharge collected pursuant to the provisions of this chapter within sixty days from the date the surcharge becomes due is guilty of a Class 2 misdemeanor;
- (3) Fails to keep the records required by this chapter or refuses to exhibit these records to the Department of Revenue for the purpose of examination is guilty of a Class 2 misdemeanor;
- (4) Fails to file a return required by this chapter within sixty days from the date the return is due is guilty of a Class 2 misdemeanor;

- (5) Willfully violates any rule of the secretary for the administration and enforcement of the provisions of this chapter is guilty of a Class 2 misdemeanor; or
- (6) Fails to submit a 911 emergency surcharge registration after having been notified in writing by the secretary of the Department of Revenue that the person is subject to the provisions of this chapter is guilty of a Class 2 misdemeanor. However, it is not a violation of this subdivision if the person submits a registration and meets all lawful prerequisites for registering within ten days from receipt of written notice from the secretary."

On page 16, line 9, delete "incorporated".

On page 18, line 23, after "findings" insert "of".

On page 19, line 19, after "remit" insert "each month".

On page 19, line 21, after "." insert "The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay each public agency its share of the distribution."

On page 20, line 1, delete "surcharges" and insert "surcharge".

On page 20, line 1, after "into" insert "the".

On page 20, delete lines 13 to 19, inclusive, and insert "The Department of Public Safety shall distribute the money deposited in the fund based on the ratio of the population of each eligible public safety answering point to the population of all the eligible public safety answering points."

Moved by: Rave
Second by: Olson (Russell)
Action: Prevailed by voice vote.

MOTION: DO PASS SB 174 AS AMENDED

Moved by: Olson (Russell)
Second by: Rave
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Cutler, Frerichs, Gray, Johnston, Rave, Tieszen, Olson (Russell), Rhoden

Excused: Adelstein

HB 1046: revise certain provisions regarding child custody during a soldier's deployment.

Presented by: Robert Pasquallcci, Department of Military, Rapid City

Proponents: Royce Loesch, SD American Legion

Opponents: Tom Barnett, State Bar Association of South Dakota

THE CHAIR DEFERRED HB 1046

HB 1049: add certain definitions regarding the Department of the Military.

Presented by: Robert Pasquallcci, Department of Military, Rapid City

MOTION: DO PASS HB 1049

Moved by: Rave

Second by: Frerichs

Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Adelstein, Cutler, Frerichs, Gray, Rave, Tieszen, Olson (Russell), Rhoden

Excused: Johnston

SB 175: increase the number of video lottery machines that may be placed in a licensed establishment.

Presented by: Senator Bob Gray

Proponents: Larry Mann, Video Lottery Establishments of SD

Opponents: Mark Weber, Sioux Falls, Self

Linda Schauer, Concerned Women For America

Dale Bartscher, Family Heritage Alliance Action Inc.

Paul Goetze, Pierre, Self

MOTION: AMEND SB 175

175oa

On page 1, line 7, of the printed bill, after "establishment." insert "If more than ten video lottery machines are placed in a licensed establishment, each video lottery machine in excess of ten machines shall include video lottery game software approved by the commission after July 1, 2011.".

Moved by: Gray
Second by: Rave
Action: Prevailed by voice vote.

MOTION: DO PASS SB 175 AS AMENDED

Moved by: Gray
Second by: Rave
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Adelstein, Frerichs, Gray, Johnston, Rave, Tieszen, Olson (Russell)

Voting No: Cutler, Rhoden

SB 180: Proposing and submitting to the electors at the next general election a new section to Article VI of the Constitution of the State of South Dakota, relating to the distinction between the rights of natural persons and artificial entities.

Presented by: Senator Jason Frerichs

MOTION: TO TABLE SB 180

Moved by: Tieszen
Second by: Rave
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Adelstein, Cutler, Frerichs, Johnston, Rave, Tieszen, Olson (Russell), Rhoden

Excused: Gray

SB 182: revise certain provisions concerning tax incremental districts.

Presented by: Senator Stanford Adelstein (Handout: 2)
Proponents: Mike Houdyshell, Department of Revenue
Julie Johnson, Absolutely Aberdeen

MOTION: DO PASS SB 182

Moved by: Adelstein
Second by: Cutler
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 182 TO THE 41ST LEGISLATIVE DAY

Moved by: Johnston

Second by: Rave

Action: Prevailed by roll call vote. (5-3-1-0)

Voting Yes: Cutler, Frerichs, Johnston, Rave, Tieszen

Voting No: Adelstein, Olson (Russell), Rhoden

Excused: Gray

MOTION: ADJOURN

Moved by: Rave

Second by: Tieszen

Action: Prevailed by voice vote.

Kay Johnson
Committee Secretary

Larry Rhoden, Chair

87th Legislative Session – 2012

Committee: Senate Taxation

Wednesday, February 08, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Fryslie
P Hundstad
P Maher
P Nelson (Tom)
P Nygaard
P Lederman, Vice-Chair
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 6TH

Moved by: Nygaard
Second by: Fryslie
Action: Prevailed by voice vote.

HB 1001: revise certain provisions regarding the sales and use tax.

Presented by: Representative Charles Turbiville

MOTION: DO PASS HB 1001

Moved by: Lederman
Second by: Hundstad
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hundstad, Maher, Nelson (Tom), Nygaard, Lederman, Hansen (Tom)

MOTION: PLACE HB 1001 ON CONSENT CALENDAR

Moved by: Hundstad
Second by: Lederman
Action: Prevailed by voice vote.

SB 95: modify distributions from the wind energy tax fund.

Presented by: Senator Tim Begalka
Proponents: Dick Howard, SD Association of Towns and Townships (Handout #1)
Henning Hansen, self, Elkton
Sharon Leiferman, self, White
Opponents: Bob Wilcox, SD Association of County Commissioners
Don Larson, self, Brookings (Handout #2)

MOTION: DO PASS SB 95

Moved by: Nygaard
Second by: Hundstad
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 95 UNTIL FRIDAY, FEBRUARY 10, 2012

Moved by: Lederman
Second by: Nygaard
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Maher, Nygaard, Lederman, Hansen (Tom)

Voting No: Fryslie, Hundstad, Nelson (Tom)

SB 49: revise the property tax levies for the general fund of a school district.

See testimony of Wednesday, January 25th.

MOTION: DO PASS SB 49

Moved by: Nygaard
Second by: Nelson (Tom)
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hundstad, Maher, Nelson (Tom), Nygaard, Lederman, Hansen (Tom)

MOTION: ADJOURN

Moved by: Hundstad

Second by: Nygaard

Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Hansen, Chair

Revised Committee Agenda

Committee: Senate Transportation
Room: 423
Date: Wednesday, February 8, 2012
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

SB 157 **revise certain provisions relating to outdoor advertising signs.**
Senators Olson (Russell), Frerichs, Gray, Hansen (Tom), Heineman, Hundstad, Krebs, Nygaard, Peters, Rave, Schlekeway, and Tidemann and Representatives Rausch, Boomgarden, Carson, Cronin, Fargen, Hawley, Hoffman, Moser, Novstrup (David), Perry, Tulson, Verchio, Wick, and Willadsen

SB 116 **revise certain provisions relating to the township road system.**
Senators Fryslie, Begalka, Frerichs, Hansen (Tom), Hundstad, and Vehle and Representatives Rozum, Hickey, Kirkeby, Rausch, Scott, Sigdestad, and Street

HB 1202 **repeal certain provisions regarding reckless and unsafe driving.**
Representatives Novstrup (David), Conzet, Dennert, Gosch, Hansen (Jon), Hickey, Perry, Rozum, Sigdestad, and Verchio and Senators Krebs, Frerichs, Juhnke, Olson (Russell), Peters, and Rave

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

MIKE VEHLE, Chair